

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

LISA JONES,) Case No.
)
Plaintiff,) **COMPLAINT**
)
vs.)
)
SUTTELL & HAMMER, PS,) **JURY TRIAL DEMANDED**
)
Defendant.)
)

I. NATURE OF ACTION

1. This is an action for damages brought by an individual consumer for Defendant’s violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter “FDCPA”) and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy by intrusion, ancillary to Defendant’s collection efforts.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Lisa Jones, is a natural person residing in the State of Washington, County of King, and City of Kent.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, Suttell & Hammer, PS, (“Defendant”) was a company engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

- a. Threatening to take an action against Plaintiff that cannot be legally taken or that was not actually intended to be taken, including threatening to instigate a lawsuit by serving a complaint in July, 2009, where such lawsuit remains unfiled to this day, March 7, 2010, approximately 8 months later. Defendants failure to actually pursue the litigation with which it threatened Plaintiff indicates that the initial service of a Summons and Complaint was merely a threat to file a suit that Defendant never intended to file. The act of filing an official-looking summons that made Plaintiff believe she was forced to defend a lawsuit against her, when in fact Defendant never intended to file suit, is also an unfair practice, a deceptive practice and an abuse of the court system (§ 1692e(5) & § 1692f & § 1692e(10));
- b. Failing to provide Plaintiff with the notices required by 15 USC § 1692g, either in the initial communication with Plaintiff, or in writing within 5 days thereof. Defendant served Plaintiff with a Summons and Complaint for a lawsuit it never intended to file in January, 2010. This Summons and Complaint were mere false threats to sue. As such, there is no exemption applying to these communications and they were required to include the disclosures required by § 1692g(a)). The Summons and Complaint from January, 2010, did not include the disclosures required by § 1692g(a) (§ 1692g(a)).

8. Defendant's aforementioned activities, set out in paragraph 7, were conducted in a manner highly offensive to a reasonable person. As a result of Defendant's behavior, detailed above, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress.

COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT

9. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON CONSUMER PROTECTION ACT

10. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages;
- B. Discretionary Treble Damages;
- C. Costs and reasonable attorney's fees,
- D. For such other and further relief as may be just and proper.

1 Respectfully submitted this 17th day of May, 2010.

2 s/Jon N. Robbins

3 Jon N. Robbins

4 WEISBERG & MEYERS, LLC

5 Attorney for Plaintiff